

Delta Protection Commission
Thursday, November 18, 1993

Draft Minutes

1. Call to Order/Roll Call.

Acting Chairman Mike McGowan called the meeting to order at Jean Harvie Community Center in Walnut Grove, Sacramento County, at 6:35 p.m.

Commissioners present: Barber, Curry, Ferreira, Johnson, Keller, McCarty, McGowan, Mello, Potter, Sekelsky, Yates.
Absent: Broddrick, Vice Chair Fargo, Murphy, Salmon, Thomson, Chairman Torlakson. Commissioners Bland and Calone arrived late.

2. Chairman's Report.

Acting Chairman McGowan announced a change in the agenda. Due to illness, Ron Russo of the East Bay Regional Park district was not able make his presentation. It will be rescheduled at a later date.

The next meeting is scheduled for Thursday, December 16, 1993 at 6:30 p.m. in the Jean Harvie Community Center in Walnut Grove. Topics of discussion will be:

The Commission's Long Term Funding plan.

Inter-Agency Agreements with Attorney General's office and the Department of Water Resources for preparation of background reports.

Presentation and Public Hearing on the first Background Report on the Delta Environment.

Upcoming Subcommittee meetings are as follows:

- * Monday, December 6: Budget and Finance
- * Tuesday, December 7: Environment Citizens Advisory Committee to discuss Utilities and Infrastructure and Land Use in the Delta

Upcoming events on the Delta include:

- * On Saturday, December 4, at 9:00 a.m. the Holiday Run and Walk against Drugs starting and ending at the Delta Memorial Hospital in Antioch.
- * On Saturdays and Wednesdays starting November 13 through

December 11, Pheasant Hunting on Twitchell Island, managed by the Department of Fish and Game and in cooperation with the Department of Water Resources.

3. Executive Director's Report.

Ms Aramburu announced that due to the very short time between the last meeting and the mailing for this meeting, the draft minutes for the October minutes will be mailed in next months packet and scheduled on the next agenda.

Ms Aramburu has met with both the Attorney General's Office and the Department of Water Resources regarding assistance in preparation of the background reports. She hopes to bring those proposals to the Budget and Finance Committee and to the Commission in December.

Since the last meeting Ms Aramburu has met with planners from the Delta counties to discuss land use issues and has arranged to meet with staff of the Delta Mosquito Abatement Districts to discuss vector control and how it ties into land uses in the Delta, particularly seasonal flooding.

At the last meeting, there were questions about the boundary between the San Francisco and the Central Valley Regional Water Quality Control Boards. The San Francisco District includes none of the Commission's Solano County planning area and in Contra Costa County, Winter Island and Pittsburg and areas; Antioch is in the Central Valley Board's jurisdiction. Ms Aramburu is still trying to get a readable map from the Corps about the boundary between San Francisco and Sacramento Corps, but it appears to be similar to the Regional Board boundaries.

4. Attorney General's Report.

Christine Sproul, Deputy Attorney General, sat in for Rick Frank.

Ms Sproul said that a letter has been received from the Fair Political Practices Commission which clarifies that the Reclamation District representatives can participate fully and vote on the Delta Protection Commission. Copies of the letter were distributed to those Commissioners; copies are available for anyone else who wants a copy.

Ms Sproul reported that Rick Frank has met with Ben Haddad, General Counsel for the Resources Agency, regarding the Commission's California Environmental Quality Act requirements. Mr. Haddad was encouraging about the approach approved by the Commission and Mr. Frank will prepare the necessary materials for submittal to the Secretary for Resources.

5. Public hearing and Possible Adoption of Policy to Request Reimbursement for Background Reports.

Ms Aramburu outlined the issue of whether the Commission wants be reimbursed for the costs of duplicated reports prepared by the Commission. The Commission can legally do so, and the policy was included in the overall budget approved by the Commission in August, but not specifically discussed. Because the Commission is now ready to send out the background reports, the issue is timely. Staff has mailed "order forms" for the first background report. She said it is not economically feasible to have the Department of Conservation collect and process small checks for the Commission. She advised that an account could be opened at a copy service and checks made out to that service for copying costs, not postage costs. She estimated that the eight background reports would be approximately 40 pages long and that costs would be approximately \$4.00 to copy and mail each report. She suggested that if the Commission wanted as a policy matter to require reimbursement, that local governments and non-profits receive one copy at no charge.

Acting Chair McGowan opened the public hearing.

Dr. Ernst said that he would like to arrange for an account for the Background Reports. He was not opposed to a fee for the reports.

There being no further public comments, the public hearing was closed.

Commissioner McCarty wanted to know what kind of response the Commission has had for the first report; Ms Aramburu said there had been approximately 40 requests.

Commissioner Bland said he supported reimbursement and so moved; Commissioner Johnson seconded the motion.

Commissioner McCarty asked if government agencies and non-profits would have to pay for reports; Commissioner Bland said that even government agencies should have to pay for the reports.

Commissioner Potter recommended a flat fee of \$4.00 for each report. Commissioner Ferriera expressed concern that \$4.00 might not be enough for the reports.

Commissioner Bland amended the motion that the first three reports would be reimbursed at \$4.00; then staff would return to the Commission for further review; the amendment was approved by Commissioner Johnson. The motion was approved unanimously by voice vote.

6. Public Hearing and Possible Adoption of Legislative Program Regarding Marine Patrol Funding and Extension Date for Plan, if Needed.

Ms Aramburu made three corrections to the resolution attached to the staff report. She outlined the discussion of the Marine Patrol legislation at the Legislative Subcommittee Meeting: the Committee supported the marine patrols, recognized the need for additional funding for marine patrol, and supported the Department of Boating and Waterways revisions of dispersal of funds to support marine patrol. The Subcommittee was not able to agree on the issues of higher registration fees for "personal watercraft" (jetskis), if the funds should go directly to the Counties or go through the Department of Boating and Waterways, or if the program should be a Delta-only increase in fees, or a statewide increase in fees.

Acting Chair McGowan clarified that the resolution would go to the Legislature to implement; that the Delta Protection Commission itself would have no role in collecting or dispersing monies or providing the marine patrol.

Commissioner Yates asked why the Counties are not funding marine patrol; Commissioner Barber said San Joaquin County recognizes the importance of marine patrol, but in the current budget cuts, asked the Sheriff to list responsibilities in order of priority and the County ran out of money before funding the marine patrol. Commissioner Yates said he is concerned about raising any taxes statewide.

Commissioner McCarty asked if the resolution supports increased fees statewide with the funds going to the Delta; Ms Aramburu said the current proposal is to raise fees only in the five Delta counties, with the funds ear-marked for use in the Delta. An alternative approach would be to raise fees statewide, with the new monies distributed statewide for marine patrols.

Commissioner Ferreira suggested a launching fee to generate revenues from the users of the Delta.

Commissioner Curry said the Department of Boating and Waterways recognizes the problems with marine patrol funding in the Delta. He suggested that a legislated solution would be more acceptable statewide, rather than Delta only.

Acting Chair McGowan opened the public hearing. He read the proposed resolution.

Seth Cockrell of the Marina Operators Association asked that the Commission not adopt the proposed resolution; that he could support an increase in boat registration fees, that jetskis should not be singled out for a higher registration fee, that the issue

should be addressed statewide, not just in the Delta, and supports changing the DBW distribution formula to lower the 100% commitment of boat property tax to 50% commitment. He also said the DBW program is a good program and suggested the funds generated should continue to go through DBW. He said the comments are based largely on the issue of fairness, that all boat owners should pay their fair share, and that by collecting and distributing the fees in a statewide program, the marine patrol funding would go to areas with needs.

Sally Hearne said there could be a "stamp" for Delta boaters to generate funds from the Delta boaters to pay for marine patrol in the Delta. She said there are also impacts on the land from recreational users and a more comprehensive approach to law enforcement should be put in place.

The public hearing was closed.

Commissioner Johnson said he had been supportive of his Sheriff's need to raise more funds to pay for marine patrol. He said his office had attended a meeting with all the sheriff's attempting to develop a workable solution to this problem. He felt it would be helpful to get more information about the program and the fee increases. He also supported the comment that additional land law enforcement is needed in the Delta.

Commissioner McCarty commended the Legislative Subcommittee for renewing the proposal and outlining the issues. He suggested that the proposal was premature and that more time should be spent developing a workable proposal.

Commissioner Curry said he did not think a Delta only approach was workable legislatively. He supported additional discussion of the problems and possible solutions.

Commissioner Potter agreed with McCarty, suggested adopted a general resolution without any solutions.

Commissioner Johnson said Sacramento County has not taken any action.

Commissioner Barber said San Joaquin County had adopted the resolution. He said without relief, there will be a shortfall next boating year.

Commissioner Bland agreed with postponing and asked for more information about the issue.

Ms Aramburu said the current proposal is the result of a loose coalition of the five sheriffs. Contra Costa attempted similar proposal several years ago and has been able to provide information for the Delta counties.

Commissioner Mello requested information about how the money generated would be spent.

Commissioner Yates agreed with Mello, also asked the overhead costs of DBW managing the project, rather than funds going directly to the Counties.

Commissioner Calone wanted all the funds generate to go to the Counties.

There was a motion by Commission McCarty, seconded by Commissioner Curry to refer the matter back to the Legislative Subcommittee.

Commissioner Sekelsky asked that the item be scheduled for public hearing when it returns to the Commission.

Commissioner Calone said the Commission should take action at this time supporting the issue generally, rather than postpone it for further discussion at a later date. He said the Commission should recognize the need for more funding for the marine patrol, and let others work out the details.

On a voice vote, the motion was adopted 11 to 2, with Calone and Bland dissenting.

7. Public hearing and Commission Adoption of Proposed Contract for Recreation and Access Background Report

Ms Aramburu outlined the contract procedure to date, that the contract was listed in the State contract log, that 30 requests for the material were received, that three proposals were received, that the three were reviewed with assistance of the Department of Conservation staff, and that the three consultants were interviewed by a committee made up of Ms Aramburu and Commissioner Ferreira, a member of the Operations and Administration Committee. The proposed consultant met all the State contract requirements, made an excellent proposal and was the low bidder.

Ms Aramburu requested the Commission authorize her to sign the contract with Brady and Associates on the Commission's behalf.

Commissioner Potter asked what review there had been of the Request for Proposal; Ms Aramburu said the RFP was reviewed and approved by the Chair.

Acting Chair McGowan questioned the need to hold a public hearing on this matter; Ms Sproul said the matter must be reviewed at a public meeting, but a public hearing was up to the Commission.

Commissioner Yates said he couldn't agree to spend \$19,000

without committee review.

Commissioner McCarty said he would feel more comfortable if he could review the scope of work and the proposal presented by the consultants.

Commissioner Johnson felt that to make decision on expenditures at this level more information should be provided.

Acting Chair McGowan asked about the nature of contract review; Ms. Aramburu outlined the Commission's actions to date: the budget which was approved by the Budget and Finance Subcommittee and the full Commission set aside money for consultants; that the Planning program approved by the full Commission outlined the quick pace of the planning program and identified the need to have consultant assistance with three background reports, including this report; that this report was identified as being key due to the controversial nature of access in the Delta as outlined in the legislation; and the contracting process carried out with the assistance of the Department of Conservation and a member of the Operations and Administration Subcommittee.

Commissioner Mello asked the range of the bids; Ms Aramburu said the budgeted amount was \$25,000, and the bids were approximately \$24,000, \$22,000, and the Brady bid.

Commissioner Ferreira said he had spent about three-quarters of a day interviewing the candidates, reviewing the packets, he believed that the chosen consultant was reputable, would provide the information needed, and would be a good value.

Commissioner Bland said he was satisfied with the process.

Commissioner Johnson said it was important to meet the timeline and moved to authorize the Executive Director to enter into the contract on behalf of the Commission; seconded by Commissioner Mello.

The public hearing was opened, there was no public comment.

Commissioner Yates said in the future, material on such matters should be sent to the Commission ahead of time to allow time for thorough review.

Commission McGowan said the Administration and Operations Committee should clarify the contract process.

Commissioner Johnson agreed that while he could support this contract, material should be sent to the Commission before the meeting. He expressed concern about meeting the deadlines.

Commissioner McCarty asked that copies of the proposal be mailed to the Commission.

Commissioner Yates wanted the Commission's policy regarding review of contracts to be clarified.

Commissioner Potter said he supported the motion, but suggested that the Commission should have copies of the RFP and the proposal.

Commissioner Yates said he put a lot of faith in the Committee and doesn't have a problem supporting the motion, he wants to see the final product.

By voice vote, the motion was approved.

8. Informational Briefing: Briefing on Ducks Unlimited's "Delta Care" program by Mark Steele, Regional Biologist and Jack Payne, Director, Private Lands Program

Jack Payne and Mark Steele gave an overall presentation of Duck's Unlimited (DU) program stating that California's Central Valley is one of the most important areas for migratory birds in North America. It is a area that is under tremendous pressure from humans. There are major conflicts over water, agriculture, development, and the natural environment in the Central Valley.

Historically, the Central Valley contained 4 million or more acres of natural wetlands and 6,000 miles of stream, river, and associated riparian habitats. At the present time those numbers have changed to less than 300,000 acres of wetlands and 950 miles riparian woodlands.

Even with this tremendous change, the Central Valley provides wintering habitat for 60% of all the waterfowl in the Pacific Flyway and 20% of all waterfowl on the continent. This are also provides living space for other species of migratory birds, plant life, and some endangered species.

With only a portion of the original wetland and riparian base of California remaining, migratory birds and other wildlife have become dependent on some types of agriculture lands for survival. Improving management of these lands could accommodate vast numbers of migratory birds without impacting the viability of the farming operation.

However, at the present time even the farmland is under severe threat. The American Farmland Trust indicates the farmlands of the Central Valley are the most threatened farm area in the country.

A few years ago DU developed a close working relationship with the agriculture community in the Central Valley, and still keeping

its traditional wetland habitat projects on public lands. This is now expanding into Valley Care.

DU has been working on both public and private lands in California since 1986. Since then, DU has built a reputation as an organization that completes specific objectives that help wildlife and the cooperating landowner or agency.

Valley Care will bring a new focus to private lands and public education efforts to benefit waterfowl and other birds and wildlife by enhancing farmlands, restoring natural wetlands and riparian areas on private lands.

Valley Care has several goals and objectives. The five specific areas of focus are: ricelands, enhancement for wildlife, restoration of wetlands and riparian sites, education/communication, and research.

A wide range of opportunities exist to work with landowners throughout the Central Valley to improve wildlife habitats. Farm and grazing lands, managed waterfowl areas, and public/private sanctuaries represent just some of the opportunities. Valley Care provides a vehicle for DU to assist many landowners in improving their lands for wildlife.

Assistance would be provided to farmers and ranchers throughout the Central Valley to improve their land management for the benefit of water birds and other wildlife, improved grazing management, and other methods. DU uses experienced staff who understand both agriculture and wildlife with the ability to work in both communities.

One of the focus areas for Valley Care is the Sacramento-San Joaquin Delta, DU works with farmers in the Delta to winter-flood idle cropland for waterfowl, sandhill cranes, swans, and other wildlife. The practice provides winter water and food for water birds and it assists the farmer by slowing or preventing erosion and land subsidence.

Valley Care has the goal of annually flooding 30,000 acres of cropland in the Delta. Through this program DU provides guidance for timing, depth, and duration of flooding and other management techniques through formal planning with the landowner.

As Valley Care expands, DU will be working to improve the management of the private wetlands. Valley Care will, assist in developing management plans for privately-held wetlands; enhance area-wide water delivery and control systems where feasible; work with duck clubs and other privately-held wetlands to assist with capital improvements where feasible and cost effective; and sponsor seminars, newsletters, field trips and other information/education services.

These efforts will increase the knowledge of wetland owners and managers around the Valley. Training programs will be supplemented by a series of management guidance documents that will be available.

Valley Care will offer demonstrations as part of its technical assistance program. Valley Care will work with cooperating landowners to show others via field days, publications, tours, and other efforts how land management can be improved through careful planning.

Valley Care will be using existing networks to provide more information and assistance to private landowners. Many of Valley Care's efforts will be directed at working with these networks to deliver information and technical assistance.

Probably the most vital portion of Valley Care is the education and information area. Valley Care will employ a large range of education and information efforts. Not only schools, conservation groups, and landowners will be targeted, but also the media, business and industrial communities, and the general public.

Commissioner Curry asked about a rice roller and its function. Mr. Payne said that it's a piece of machinery that is an alternative to burning; it crushes and rolls the rice field stubble.

Commissioners Ferreira and Mello expressed concern about the mosquitos in the primary and secondary zones. Mr. Steele said that John Stroh of the San Joaquin Mosquito Abatement District and EPA and others are working to try and address the mosquito problem.

Commissioner McCarty asked the location of the 17,000 acres now committed as temporary wetlands. Mr. Steele said those acres are split between Staten, Tyler, Quimby, and Medford Islands.

Informational Briefing: Briefing on Delta Environmental Science Center - To Be Rescheduled

10. Public Comments

Dr. Frank Ernst submitted a written statement dated November 18, 1993 which addressed constitutional aspects of the Delta Protection Commission's program, NAFTA and its relationship to the Delta Protection Commission's program, and expressed concern that the Commissioners would not read the background reports before acting upon the information in them. (NOTE: The written statement is available in the Commission's files.)

Commissioner McCarty said that some of the Commissioners are

elected, not appointed.

11. Commissioner Comments and Announcements

Commissioner Potter asked if there are chairs for the Citizen Advisory Committee; Ms Aramburu said not yet. Mr. Potter said he was concerned that the CACs may want to discuss water management issues not within the authority of the Commission; Ms Aramburu said staff is very aware of the legislative directives to the Commission and staff will ensure that the CAC focus only on appropriate topics.

12. Adjournment

On a motion by Commissioner McCarty and a second by Commissioner Ferreira, the meeting was adjourned at 8:45 p.m.